

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
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08 APR 16 AM 9:57

UNITED STATES OF AMERICA )

Case No.

VS )

COMPLAINT FOR VIOLATION OF

18 U.S.C. Section 545

Importation Contrary to Law

Anna Rosa GUILLEN )

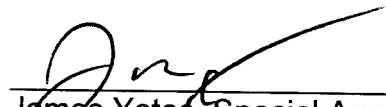
DEPUTY

The undersigned complainant being duly sworn states:

COUNT 1

On or about April 10, 2008, within the Southern District of California, Anna Rosa GUILLEN did fraudulently or knowingly import and bring into the United States from Mexico certain merchandise, to wit: pharmaceuticals, contrary to the law, in that said merchandise had not been presented and declared as provided by Title 19, United States Code, Section 1461 in violation of Title 18, United States Code, Section 545.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
James Yates, Special Agent  
U.S. Immigration and  
Customs Enforcement

Sworn to before me and subscribed in my presence, this 16<sup>th</sup> day of April 2008.

  
United States Magistrate-Judge

### PROBABLE CAUSE STATEMENT

I, Special Agent James Yates, declare under penalty of perjury the following is true and correct.

On April 10, 2008, at approximately 2115 hours, Anna Rosa GUILLEN applied for entry to the United States, from Mexico, through the San Ysidro Port of Entry, lane number seven, with passengers Maria FERNANDA Caballero Lemus and Maria MARTHA Caballero Lemus. GUILLEN was the driver and registered owner of a burgundy 2004 Nissan Quest bearing California license plate number 5EWR718.

At primary inspection, GUILLEN presented valid United States passports for herself and her passengers to Customs and Border Protection Officer (CBPO) Clemente Banuelos. CBPO Banuelos asked GUILLEN what she was bringing from Mexico and GUILLEN declared that she was bringing bread, cookies, honey and a metal device to make orange juice. CBPO Banuelos inspected the declared cookie boxes that were stored in the rear of the vehicle and noticed that all of the cookie boxes were old and not factory sealed. CBPO Banuelos opened several of the boxes and discovered that they were full of undeclared medications. CBPO Banuelos escorted GUILLEN to the secondary lot for additional inspection.

In the secondary lot CBPO Albert Siapno assumed responsibility for the inspection of the burgundy 2004 Nissan Quest bearing California license plate number 5EWR718. CBPO Siapno noted that the cookie boxes located in the rear of the vehicle looked old and tattered, and were held closed with scotch tape.

During his inspection CBPO Siapno discovered that medications were inside of the 13 old cookie boxes, additional medications and corresponding manufacturer packaging for the medications were discovered within the spare tire well of the vehicle. A majority of the medications CBPO Siapno located inside the vehicle were not in manufacturer packaging and bundled together with rubber bands. The manufacturer packaging for the various medications were broken down and also bundled together with rubber bands.

CBPO Siapno began a physical inventory of each medication by dosage. The following medications and quantity were removed from the vehicle: Pentrexyl (16,828), Alin (4), Acromicina (320), Buscapina (1), Bonadoxina (725), Celestone (2), Cuerpo Amarillo Fuerte (120), Espaven (5), Euglucon (50), Everel (16), Flanax (1200), Incremen (3), Ilosone liquid (2), Ilosone 500mg (20), Nikzon (450), Pangavit (30) and Vioforma (1). CBPO Siapno assessed commercial prices to each individual medication and determined that the approximate commercial value for the undeclared medicine was \$19,594.

At approximately 0330 hours U.S. Immigration and Customs Enforcement (ICE) Special Agent (SA) James Yates and SA Andrew Soule began an inspection of the burgundy 2004 Nissan Quest bearing California license plate number 5EWR718. Within the vehicle SA Soule discovered receipts for medicines from a pharmacy with an address located in Tijuana, Mexico. The receipts were dated in April 2008 and showed purchase dates of the 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup>. The largest receipt was for \$10,541 in U.S dollars (USD) on April 8<sup>th</sup> at 0042 hrs, this receipt listed a majority of the same type of medicines discovered

within the vehicle by CPBO Siapno. The second largest receipt showed a purchase on Apr 10<sup>th</sup>, at 1715 hrs, of the medication Pentrxyl, this receipt was for \$7292.31 USD.

On April 11, 2008 at approximately 0814 hrs, Anna Rosa GUILLEN, was arrested and issued a Notice to Appear for judicial proceedings.

Executed on April 16, 2008 at 0935 hours.

James Yates.  
Special Agent  
U.S. Immigration and Customs Enforcement (ICE)

On the basis of the facts presented in the probable cause statement consisting of 3 pages, I find probable cause to believe that the defendant (Anna Rosa GUILLEN ) named in the probable cause statement committed the offense on April 10, 2008 in violation of Title 18, United States Code, Section 545.

United States Magistrate Judge

Date/Time